

OPINION
50-39

December 9, 1950 (OPINION)

COUNTIES

RE: Power to Destroy Old Files in Register of Deeds Office

Your letter of December sixth asking our opinion re your power to destroy old files has been received and referred to my desk.

Section 11-1814 requires the removal from your files and the destruction of all chattel mortgages and other liens named filed prior to January 1, 1987, unless the same have been continued in force by proper renewal. Notation of destruction must be made as provided by this section.

By section 35-0507 you are directed to "cancel all crop mortgages appearing in the records of the office that have been filed therein more than three years, except when the mortgage is given in whole or in part for the purchase price of land." This provision requires no clarification as to instruments affected. The requirement of cancellation necessarily implies that such cancelled instruments should be removed from the files and destroyed. Only instruments named may be removed and destroyed.

ELMO T. CHRISTIANSON

Attorney General